

## WHY ETHICAL PUBLIC ADMINISTRATION SHALL ALWAYS REMAIN A NIGHTMARE IN UGANDA: EXPERIENCES OF PRACTITIONERS

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**Abstract:** This article is an examination of why ethical public administration in Uganda will remain a nightmare drawing from experiences of practitioners. We had group discussions that involved town clerks, Senior assistant town clerks, Physical planners and administrative employees from various urban councils, we also collected data by reviewing literature both online/internet and other library books. Our focus was majorly made up of four key items which address Introduction, background, legal and institutional framework, methods and resources, findings, conclusion and recommendations. Findings show that setting of bad examples by the leadership, peer influence, absence of champions, poor and discriminative remuneration/salary structure, institutionalization of unethical behaviors, politicizing appointment of sensitive public administrators, suppression and persecution of whistle blowers, deliberate failure to enforce existing laws, greed, over reliance on donor funds, existing education curriculum that does not emphasize ethics at all levels, traditional beliefs and values, inadequate training, abolition/removal of some ethical ingredients from the constitution, lack of political will, harsh economic conditions, slow adoption of e-Governance among others are responsible for a persistent unethical public administration in Uganda. The article concludes by discussing or recommending what critically needs to be done to improve the current appalling and appealing situation. It is recommended that in order to improve on this appalling and appealing situation, there should be a unified salary structure, inclusion of ethics in the education curriculum across the all levels of education, political will, creation of ethics, rewards and sanctions committee at all levels, setting a fair minimum wage for all, borrowing from some good traditional values, fair financing of ministries, departments, agencies, local governments and administrative units, justice for all.

**Keywords:** Ethical Public administration; Uganda

### Introduction

Agi, (2017) in his works the Renewal of Work, Ethics is said to mean the moral rules and principles of behavior for deciding what is right and wrong. Ethics therefore, is a standard of good behavior expected of members of the society. Ethics may also be seen as a set of moral principles or values; the principles of conduct governing an individual or group. Unethical behavior on the other hand is morally dishonorable, prohibited and unaccepted behaviour in society. In public management, such behavior include corruption, discrimination, harassment, insider trading, conflict of interest, improper use of office equipment/assets, bribery and kickbacks, fraud, falsifying, collusion, gifts and embezzlement.

Adherence to high standards of ethical conduct is inherent in different legal laws, policies, circulars and regulations of Uganda with a general purpose to protect the public interest. Such legal

documents include the Constitution of the republic of Uganda 1995, the Uganda Public Service Standing Orders 2010 and the Public Service code of conduct and ethics. Nicola Belle and Paola Cantarelli May 2017 in their article indicated that ethics and morality are two founding principles of civil service but that little research has been done in the same area. In the same vain, little research about unethical public administration in Uganda has been done despite the persistence of the problem and the dire need to find out causes to it. This therefore motivated us to research on this topic drawing from experiences of practitioners. The article defines ethics, unethical behaviors, Public administration, provides reasons why ethical public administration will remain a nightmare in Uganda and finally provides recommendations for improving this bad situation.

## Background

Ethical conduct in public administration is an old phenomenon. In many communities especially in Africa, communities were organized in form of chiefdoms and kingdoms headed by a clan leader, a chief or a king and each community had its own values, norms and customs that shaped the behaviors of all including the leaders. Deviation from such values would lead to disciplinary action or sanctions by a council of clan elders, village elders, and family head among others. People in leadership were supposed to be examples to the rest of the community members. (The National Ethical Values Policy, H.E General Yoweri Kaguta Museveni, 8<sup>th</sup> October 2013)

Ethics has long been a controversial area of study in the professions of law, politics, philosophy, theology and public administration among many other disciplines (Amundsen and Andrade, n.d in Kyohairwe, S. B. (2015). Building ethics and integrity in the public sector in Uganda: A search for a superlative approach). In the recent times however, arguments in relation to the need for good Governance have re-directed attention towards a critical assessment of the implications of ethical issues in managing and administering the public sector. Because most Governments are appreciating Good Governance in the management of public affairs, they have also inevitably focused on making moral reforms, adopting principles like accountability, transparency, rule of law, equity, participation, efficiency and effectiveness to shape ethical public administration.

In Uganda, the development or adaption of ethics in public administration came as a response to the public outcry on the persistent degeneration of moral behavior, unprofessional conduct and the general unethical and dishonest behavior in both public and private affairs. The Ugandan traditional setting that had been built on strong social structure and ethical values had waned.

This situation led to a lot of losses in the public sector due to the misconduct of those who had been entrusted with guarding public interest and resources that were meant to support the economic and social development of the country and the people. In fact, the public lost their trust in public servants and the government image both locally and globally became bad. For example in Kyohairwe, S. B. (2015), Building ethics and integrity in the public sector in Uganda: A search for a superlative approach), it is indicated that reports from the department of ethics and integrity (2003) confirmed that 57 percent of the people interviewed in the 1998 nationwide survey conducted by the inspectorate of Government considered the problem of corruption as getting worse. Similarly still, that the Transparency International corruption Index (CPI) has over the years consistently indicated the low ranking position of Uganda among other nations (A series of corruption perception index since 1995 accessible at <http://www.transparency.org/research/cpi/overview/>); the 2000 index for instance indicated Uganda as the 11<sup>th</sup> most corrupt country in the world while the index of 2010 ( a decade later ) placed Uganda in the 127<sup>th</sup> position out of 178 countries. The 2011 report was even more appalling with Uganda as the 143<sup>rd</sup> out of 182 countries.

Following the above trend, the Government of Uganda had to come up with and re-emphasized regulatory policies, laws, codes of conduct among others to ensure better service delivery by public servants to the communities.

## Legal and institutional framework for ethical public administration

In Uganda, a number of laws/policies and regulations have been put in place pertaining to ethical public administration but the following are core.

The constitution of the Republic of Uganda 1997 as amended chapter fourteen providing for the leadership code of conduct, the code of conduct and ethics for Uganda Public Service, 2005 which sets out standards of behaviours for public officers in the Uganda Public Service, the Uganda Public service Standing Orders 2010 section F-a which provides for the roles, obligations and conduct of public officers, the National Ethical Values policy, 2013 which among others provides for ten (10) ethical values cherished across Ugandan communities and which provide a foundation for efficient and effective leadership, the Anticorruption Act, 2009, the Inspector General of Government (IGG) Act 2003, the Public Finance and Accountability Act 2003, the leadership Act 2002 all of which were established to address among others high level of greed, self-aggrandizement and corruption.

The institutional frame work is essentially as follows: The parliament of Uganda that is duty bound to make laws that regulate misconduct in public administration, the Ministry of Public service that ensures public servants adhere to ethical conduct, Ministry of Justice which adjudicates in case of breach of ethical conduct by public

servants, public service commission and other service commissions at the ministries and districts (Education service commission, health service commission, Judicial service commission and District Service Commissions) all of which are mandated to handle disciplinary action against those public servants found in breach of the ethical guidelines issued by Government, the Directorate for ethics and integrity 1998, the equal opportunities commission and the Inspectorate of Government.

### Methods and resources used

In the preparation of this paper, we based on both primary and secondary sources. The primary sources consist of group discussions amongst ourselves (authors) while at Uganda Management Institute Kampala, discussions with individual practicing employees in the field of public administration Physical planning at Mpondwe-Lhubiriha Town Council Kasese District, Katwekabatooro Town Council- Kasese District, Kihhi Town Council in Kanungu District and Mityana District. Our discussions were particularly focused on persistent unethical public administration in Uganda. The discussions were conducted for two months that is April and May 2021. The discussions covered forty-four public administrators from different administrative units of Uganda as highlighted above. The secondary sources include literature review of other scholars' books and the internet/online. Each one of the four authors of this paper made equal contribution in terms of resources and research to have this paper produced out.

### Findings

From our investigation/discussions, the following were found out as reasons to why ethical public administration shall always remain a nightmare in Uganda.

**Setting bad examples by top leadership.** Top leaders have a direct influence on the subordinates such that their conduct influences their behavior. For example, the President of Uganda has been seen carrying hard cash in Sacks openly distributing to supporters during his countryside visits. Additionally, is the presidential handshakes accompanied with envelopes of money. The public doubts the accountability of such money as it does not pass through the normal procedure. Additionally, some officers testified that when lobbying for more funds from ministries and departments or even at their entities to facilitate decentralized services, some of those with power openly initiate and negotiate their kickbacks before considerations are made. This unethical behavior by the top leaders sets a bad example to subordinates that it implicitly seems normal for any other officer to behave in the same way.

**Political appointment of sensitive public administrators.** Section 54 of the Local Governments Act CAP 243 of 1997 as amended mandates the Local Councils to appoint members of the District Service Commission while chapter ten, Article 165(2) of the 1995 Constitution of the Republic of Uganda mandates the president to appoint the Public Service Commission, Chapter eight Article 142 of the 1995 constitution of Uganda mandates the president to appoint the Chief Justice, Chief Registrar, Deputy Chief Justice, Principal Judge among others. These units are entrusted with powers to deal with sensitive matters like appointing public servants in the case of service commissions. The challenge here is that since these are brought to office by politicians, they tend to serve the interests of their "boss" instead of executing their roles in accordance to the set procedures, principles and standards. Civil servants who are supposed to be appointed on merit end up being recruited depending on political inclination.

**The presence of a poor and discriminative salary structure.** The salary structure of Uganda provides a pay that is far less the cost of living to majority of its workers. Apparently, Uganda still has employees whose monthly salary is less than three hundred thousand shillings. For example according circular standing instruction (CSI) No. 8 salary structure for the Financial Year 2020/2021, an employee at U8 scale earns a monthly pay of Uganda shillings one hundred eighty seven thousand six hundred sixty only (187,660/=) which is forty seven US dollars (\$47). Meaning that such employee must survive on six thousand Uganda shillings per day for all her or his needs which is very unrealistic and this situation compels the officer to behave unethically. Such an employee is easily compelled to accept even the smallest bribe or anything to compromise his/her decision.

Besides, the Uganda salary structure is discriminative in such a way that servants at the same scale earn different amounts along lines of science and humanities. The gap between scientists and those in other professions is so

much that a lower cadre under science earns much higher than her/his supervisor under other professions. For example, an assistant agricultural officer salary scale U5 currently earns a pay of one million two hundred thousand Uganda shillings before being added other allowances while a senior assistant town clerk salary scale U3 who supervises the U5 employee earns nine hundred two thousand six twelve (902,612/=) Uganda shillings (902,612/=) and is not entitled to any routine allowance. An engineer working in the main stream government structure earns two million three hundred thousand shillings while an engineer with same qualifications working with an Authority or agency in the same country earns a monthly pay of over twenty-five million Uganda shillings (a case in point are employees of Kampala City Authority, Uganda National Roads Authority etc). This kind of grave discriminatory pay system compels workers in other professions or same professions to behave unethically in trying to catch-up with their colleagues and the harsh economic conditions. Bellé, N., and Cantarelli, P. (2017) confirms this by asserting that “individuals are more likely to engage in unethical behavior if they perceive that they are treated unfairly relative to their peers”. They further assert that ‘individuals may become greedy and engage in unethical behavior to restore fairness in the presence of both pay differentials and wealth abundance in the environment’.

**Persecution and suppression of the whistle blowers.** Individuals and organizations that expose unethical officers are rather suppressed or persecuted. For example, media personnel who report about unethical behaviors of some big personalities in Government are witch hunted and sometimes detained without trial. Nongovernmental Organisations that expose unethical behaviors like misappropriation of public funds, human rights abuse among others are either closed or have their accounts frozen. This kind of treatment encourages those involved in unethical behaviors to continue with the bad practice

**Deliberate disregard to embrace e-Governance.** Research found out that physical interaction between service providers or public administrators and service seekers/receivers increase chances of unethical behaviors by public administrators. The Utilization of Information and Communication Technology in service provision reduces on the bureaucracy that public administrators sometimes use to ask for bribes to enable citizens use the back door. For example, processing a passport should not require one to travel from office to office. If ICTs are embraced, the service can be received anywhere using internet.

**Lack of political will to revamp unethical public administration.** Like in many countries, in Uganda the politicians are responsible for making policies and also are supposed to ensure that policies are implemented. Policies define what Government decides to do or not to do. Whereas the Government of Uganda is rich with laws against unethical behaviors like the anticorruption Act, the code of ethics and conduct, the public service standing orders, these laws are largely on paper. The top political leadership has not been seen at the fore to ensure that these laws are used to bite those in breach of the same. This is because some politicians themselves are involved in unethical behavior. For example, the public service standing order condemns fighting in public by civil servants. The current (tenth) parliament of Uganda in a formal session of parliament in broad day light exchanged blows and whips that resulted into injuries and incapacities of their members. Some Ministers of Uganda are found having embezzled public funds but are not fired by their political appointing authority. Such a team cannot have the moral authority to condemn an unethical conduct where they are also victims.

**The presence of an education curriculum that does not cater for ethics at all levels.** The Ugandan curriculum does not provide for ethical education right away from the primary to post primary levels. Ethics education tenets are scantily found in other lessons and not concretized. If citizens are taught what is ethically right and wrong right away from childhood to adulthood, those lessons can have a significant impact on their conduct of public affairs. There is a local saying that ‘one cannot bend a tree into the direction in which he/she wants it when its already old’. In the same vain, we cannot teach/model the young generation to be ethical citizens when they are already grownup with unethical behaviors. It has to start at childhood and continuously done to adulthood.

**Poor monitoring mechanism.** Most unethical public administrators continue behaving unethically because of the poor monitoring mechanism existent in the country. Some supervisors do appraisals of their subordinates for formality but there is no day today monitoring of the ethical conduct of the individual public administrators. This gap motivates the perpetrators to continue with the bad behaviors because they well know no one will ever notice them. In their article, Bellé, N., & Cantarelli, P. (2017) they provide that ‘.... On the one hand, monitoring decreases the perceptions that unethical acts go undetected (Welsh and Ordóñez2014) and that the unethical actor



will not be held responsible (Mazar and Aggarwal 2011). On the other hand, monitoring draws individuals' attention to their moral standards and encourages self-awareness. In particular, individuals who are aware of being watched are less likely to engage in unethical actions without updating their self-concept (Alge, Greenberg, and Brinsfield 2006; Welsh and Ordóñez 2014).

**The community attitudes towards unethical behaviors.** Many elements from the Ugandan communities seem to accommodate and promote unethical behaviors for public servants to the extent that they participate in it. For example, it is common practice by drivers or managers of public taxis/buses to drop money to the traffic police so that they are not questioned for breaking the traffic laws. In another example, the member of parliament of Rujumbura constituency in Busheny district at one point was caught in an embezzlement scandal of public funds in Uganda under global fund programme. During his campaigns for the next term of office, he explained that he stole the money but brought some of it back to develop the constituency. Surprisingly, the constituents voted him back to go and still more. This attitude indeed makes ethical public administration a nightmare.

**Presence of institutionalized unethical Practices.** For example, in the relations between local Governments and Central Government departments, only those Local Governments that have known the central government departments' dynamics have succeeded in lobbying for more funds to facilitate decentralized services. Merely writing a request for more funding without maneuvering does not yield positive results especially regarding emergency funds and other funds that become available after passing of the Financial Year Budget. At the lower level also though on a small scale an activity requisition that does not promise a kickback to a vote controller or accounting officer may not go through.

**Absence of champions.** For example, the code of dressing was issued by the Ministry of Public service but staffs from the same ministry do not comply with the same code. Under such a situation, unethical dressing shall continue to exist.

**Greed.** It was also discovered that some public administrators in Uganda are greedy and want to get rich too quickly/sooner. An officer who joins service just in a space of one year wants to drive a car that is at the same standard with those other officers' cars who have taken like fifteen years in service. As such, he or she uses any means whether unethical to meet his or her desire.

**Abolition of ethical ingredients from the constitution.** The 1995 constitution of the republic of Uganda initially provided for term limits and age limits for the office of the president. But due to selfish interests, individuals influenced their removal in the year 2019. In order to have it done, Government irregularly gave out handouts of money to members of parliament to bribe them for selfish interests. Some members of parliament were involved in bribing the electorate to support the rather unpopular and uncalled for amendments. If top administrators can be that unethical, what is expected of the rest leaves much to be desired.

**Over reliance on donor funding.** Uganda's budget is over 50% donor funded. Sometimes the donors influence on how their funds should be utilized. For example, some donor funds require recruitment of specific sex which is a kind of discrimination to the sex left out to compete for such opportunity. Uganda was compelled to come out with a bill that protects rights of homosexuals even when homosexuality was locally considered absolutely unethical.

**Lack of induction of public administrators.** The recruitment process in Uganda does not take seriously induction of their new workers which is too unfortunate. A new worker especially at entry level inevitably needs induction. The practice has always been that after new workers are appointed; they are offered with posting instructions and just begin working uninducted. As such, they do not understand what is ethically acceptable and what is not acceptable in public service.

**Tribalism and Nepotism.** Uganda is composed of over fifty tribes and a tendency of local governments favoring people from their local tribes in regard to opportunities has become a criterion of recruitment in most local Governments. Whereas their advertisements require applications from suitably qualified Ugandans, these district service commissions can even decide not to continue with the recruitment process if their analysis is that they have failed to get local people qualifying for the jobs. In severe cases, even if they interviewed and someone not from the local community is the most capable for the job, they rather take up a mediocre so long as he/she is a

local member of the area/district.

**Ignorance about unethical conduct.** The public which is the receiver of public services is not well aware of what constitutes unethical behaviors. As such, they end up becoming accomplices of unethical behaviors. For example, most of the Ugandans do not know that it's the duty of the accounting officers to declare public funds to them, they do not know that it's their right to access public offices. Some secretaries unjustifiably deny members of the public to access some offices depending on outlook which is very unethical.

**Work environment.** The work environment in Uganda is responsible for the continued unethical public administration. In an environment where the salary is so lower than the cost of living, where a section of employees are paid juicy salaries while others are ill paid even if at the same scale, a situation where the politicians are interested in pleasing their electorates through the office of the administrator, in an environment where the dubious persons are the ones rewarded, where senior personnel are with no reason bypassed by juniors in terms of promotions sometimes compels unethical behaviors to the administrators.

**Inefficient incentive system.** There is a problem in Uganda where unethical employees are rewarded while those trying to behave ethically are left out. For example, some staff whose performance is even poor are the ones submitted for promotion in service. Such acts demoralize performers that they reduce on their attendance to duty and other parameters of performance.

**Political interference in the work of other public administrators.** In some cases, politicians interfere with the work of professionals. For example, the procurement officers at the local government level (Districts and municipalities) are always pressured by the local politicians for consideration of their campaign agents contrary to the ethical requirement of meritocracy/highest bidder standard in awarding contracts/tenders.

**Harsh economic conditions.** The cost of living in Uganda is so much higher than what most public officers earn. Apparently, Uganda still has employees paid less than two hundred thousand shillings monthly (\$47). Such a pay cannot even sustain only meals for a household of two members throughout one month. Such an employee cannot spare anyone bribing her or him with merely five thousand shillings which can cost the country millions of monies. Uganda in the East African community is the least in regard to remuneration for public officers and it's no wonder that it is among the highly corrupt countries in the region.

**Lack of code of ethics and conduct.** Some institutions especially in the private sector do not have code of ethics and conduct and yet they sometimes partner with Government to provide public services. For example, some private schools and private health centers partner with Government in providing these public services but they neither have their own code of ethics nor do they follow the code provided by Government.

**Poor implementation and enforcement of the existing laws.** Those who are supposed to enforce or implement the relevant laws to ethical misconduct are also victims and therefore cannot enforce what they do every day. For example, a chief executive who is a common late comer can hardly condemn subordinates who report to duty late, a supervisor who asks for kickbacks cannot come at the fore to sanction those who practice the same

**Inadequate capacity in terms of skill and knowledge.** Some personnel for important units of administration are appointed by politicians who may not necessarily be the best. For example, the District Service Commissions are appointed by the politicians although they are confirmed by the Public Service Commission. Some of the members selected have capacity gaps regarding ethics and conduct. What is complex is that every term of office, new members have to be brought on board especially where incumbent chairmen Local Council five don't retain their seat. Such units among others are the District service commissions, the District Public Accounts Committee, Public Service Commission.

**Traditional values and beliefs.** Some public servants transfer their traditional beliefs and values to the practice of public administration regardless of whether such practices are ethically acceptable or not. For example, religions that require praying many times a day may compel a public servant to always escape from work to fulfill the religious requirements. Cultures that front male dominance will transfer disrespect to the female supervisors.

**Failure to set a minimum wage by Government.** In the absence of a standard minimum wage, many organizations continue exploiting Ugandans by paying them anything as they wish for the work done. Exploitation is unethical and in Uganda it is fueled by the Governments failure to set it.

**Cheap popularity and wickedness among some public administrators.** In some cases, officers involve in unethical behaviors tend to look for favors from the powers above. An officer may choose to involve in room our mongering to the boss to use it as tool to get favored for opportunities in the powers of the boss. Others use their offices like sexual harassment for opportunities within their mandate.

**Doing Government job while engaged in private business resulting into conflict of interest.** In some cases, public administrators are part of the business community. This on one hand is due to the little salary they get paid so they engage in private business to make ends meet. In a circumstance where Government wishes to partner with the private sector in providing certain public services on its behalf, such officers find themselves awarding contracts to their own companies although such companies may be hidden in other peoples' names.

## Conclusion

In regard to our group discussions and research both online and other literature, what comes to the fore as significantly contributing to the persistent unethical public administration in Uganda are influence from supervisors and peers, poor salary/underpayment and the economic conditions/high cost of living, bad examples, lack of political will and globalization. There is a local saying that "a fish begins rotting from the head". When some top leaders are victims of ethical conduct, it becomes hard for the subordinates to uphold good ethical values.

## Recommendations

We therefore recommend for review of the salary structure to provide a fair pay to all public employees, setting of a minimum wage, willingness of the top leadership to champion change, continuous monitoring using 360 degrees' approach, incorporating ethical modules in the curriculum of education at all levels and providing frequent moral reminders to significantly decrease unethical conduct by public administrators.

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